

# REGISTER



## *South Dakota Legislative Research Council*

*Volume 43*

*Monday, 8:00 a.m., July 18, 2016*

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**FILINGS IN THE LEGISLATIVE  
RESEARCH COUNCIL'S OFFICE:** (None)

**FILINGS IN THE SECRETARY OF  
STATE'S OFFICE:**

**DEPARTMENT OF GAME, FISH AND  
PARKS:** 41:06:01:13; 41:06:19:01,  
41:06:19:02, 41:06:19:04; 41:06:20:01,  
41:06:20:02; 41:06:21:01, 41:06:21:02;  
41:06:22:01, 41:06:22:01.01, 41:06:22:02;  
41:06:36:01, 41:06:36:01.01, 41:06:36:01.02,  
41:06:36:02, 41:06:36:02.01, 41:06:36:02.02;  
41:06:41:01, 41:06:41:02; 41:06:45:01, and  
41:06:45:02.

History-Notice: 42 SDR 159, May 16, 2016  
Hearing: June 2, 2016  
Filed: July 12, 2016  
Effective: August 1, 2016

**DEPARTMENT OF HUMAN SERVICES:  
DIVISION OF DEVELOPMENTAL  
DISABILITIES:** 46:11:01:01, 46:11:01:02;  
46:11:02:02, 46:11:02:05 to 46:11:02:07,  
inclusive; 46:11:02:09, 46:11:02:10,  
46:11:02:12 to 46:11:02:16, inclusive;  
46:11:02:18.01 to 46:11:02:20, inclusive;  
46:11:03:00, 46:11:03:01, 46:11:03:02,  
46:11:03:06, 46:11:03:08, 46:11:03:09,  
46:11:03:11; 46:11:04:01, 46:11:04:02,  
46:11:04:04, 46:11:04:05, 46:11:04:07,  
46:11:04:09, 46:11:04:11 to 46:11:04:15.02,  
inclusive; 46:11:05:01 to 46:11:05:03, inclusive;  
46:11:05:05 to 46:11:05:05.02, inclusive;  
46:11:05:06 to 46:11:05:06.02, inclusive;  
46:11:05:07, 46:11:05:09 to 46:11:05:09.02,  
inclusive; 46:11:05:12 to 46:11:05:16, inclusive;  
46:11:06:01 to 46:11:06:04, inclusive;  
46:11:06:06, 46:11:06:07, 46:11:06:10 to

46:11:06:15, inclusive; 46:11:07:02 to  
46:11:07:04, inclusive; 46:11:07:06 to  
46:11:07:14, inclusive; 46:11:07:16,  
46:11:07:17; 46:11:08:00, 46:11:08:01,  
46:11:08:02, and 46:11:08:04 to 46:11:08:06,  
inclusive.

History-Notice: 42 SDR 169, May 31, 2016  
Hearing: June 16, 2016  
Filed: July 13, 2016  
Effective: August 2, 2016

**DEPARTMENT OF REVENUE: SOUTH  
DAKOTA LOTTERY COMMISSION:**  
48:02:02:06; and 48:03:17:01 to 48:03:17:07,  
inclusive.

History-Notice: 42 SDR 155, May 9, 2016  
Hearing: June 2, 2016  
Filed: July 14, 2016  
Effective: August 3, 2016

**DEPARTMENT OF EDUCATION: BOARD  
OF EDUCATION:** 24:10:42:27, 24:10:42:28;  
24:10:45:02 to 24:10:45:17, inclusive;  
24:10:48:01; 24:10:49:01 to 24:10:49:07,  
inclusive; 24:17:03:10; and 24:56:03:01 to  
24:56:03:08, inclusive.

History-Notice: 42 SDR 173, June 6, 2016  
Hearing: June 20, 2016  
Filed: July 15, 2016  
Effective: August 4, 2016

**Executive Appointments:**

**Doug Balvin**, Huron, was appointed on June 30,  
2016, to the **State Banking Commission**, to  
replace Paul Christen, effective immediately and  
shall continue until October 30, 2018.

**Linda Anderson**, Rapid City, was appointed on July 10, 2016, to the **State Arts Council**, to replace Donald Montileaux, effective immediately and shall continue until June 30, 2019.

**Paul R. Batcheller**, Sioux Falls, was reappointed on July 10, 2016, to the **Research and Commercialization Council**, effective immediately and shall continue until June 30, 2018.

**Barbara L. Christianson**, Rapid City, was reappointed on July 10, 2016, to the **Civil Service Commission**, effective immediately and shall continue until June 30, 2020.

**Peggy L. Dixon**, Rapid City, was reappointed on July 10, 2016, to the **Water Management Board**, effective immediately and shall continue until June 30, 2020.

**Rodney Freeman, Jr.**, Huron, was reappointed on July 10, 2016, to the **Water Management Board**, effective immediately and shall continue until June 30, 2020.

**Robert E. Grandpre**, Pierre, was reappointed on July 10, 2016, to the **Civil Service Commission**, effective immediately and shall continue until June 30, 2020.

**Judith D. Greff**, Huron, was reappointed on July 10, 2016, to the **Civil Service Commission**, effective immediately and shall continue until June 30, 2020.

**Rexford A. Hagg**, Rapid City, was reappointed on July 10, 2016, to the **Board of Minerals and Environment**, effective immediately and shall continue until June 30, 2020.

**James O. Hansen**, Pierre, was reappointed on July 10, 2016, to the **Western Interstate Commission for Higher Education**, effective immediately and shall continue until June 30, 2020.

**Theodore H. Hustead**, Wall, was reappointed on July 10, 2016, to the **Board of Tourism**, effective immediately and shall continue until June 30, 2020.

**James Hutmacher**, Oacoma, was reappointed on July 10, 2016, to the **Water Management Board**, effective immediately and shall continue until June 30, 2020.

**Doyle R. Karpen**, Jefferson, was reappointed on July 10, 2016, to the **Board of Minerals and Environment**, effective immediately and shall continue until June 30, 2020.

**Deanna B. Lien**, Rapid City, was reappointed on July 10, 2016, to the **State Arts Council**, effective immediately and shall continue until June 30, 2019.

**David Link**, Sioux Falls, was reappointed on July 10, 2016, to the **Research and Commercialization Council**, effective immediately and shall continue until June 30, 2018.

**Richard Little**, Spearfish, was reappointed on July 10, 2016, to the **South Dakota Athletic Commission**, effective immediately and shall continue until June 30, 2019.

**Valentina R. Merdanian**, Oglala, was reappointed on July 10, 2016, to the **Hagen-Harvey Memorial Scholarship Board**, effective immediately and shall continue until June 30, 2021.

**Dr. John Miller**, Brookings, was reappointed on July 10, 2016, to the **State Capitol Complex Restoration and Beautification Commission**, effective immediately and shall continue until June 30, 2020.

**Dennis L. Rowley**, Spencer, was reappointed on July 10, 2016, to the **Petroleum Release Compensation Board**, effective immediately and shall continue until May 1, 2021.

**Frank Smith**, Gettysburg, was reappointed on July 10, 2016, to the **Board of Tourism**, effective immediately and shall continue until June 30, 2020.

**Eddie J. Sullivan**, Tea, was reappointed on July 10, 2016, to the **Research and Commercialization Council**, effective immediately and shall continue until June 30, 2018.

**Verle Valentine**, Sioux Falls, was reappointed on July 10, 2016, to the **South Dakota Athletic Commission**, effective immediately and shall continue until June 30, 2019.

**Kristi M. Wagner**, Whitewood, was reappointed on July 10, 2016, to the **Board of Tourism**, effective immediately and shall continue until June 30, 2020.

**Steve Willard**, Belle Fourche, was appointed on July 10, 2016, to the **Critical Teaching Needs Scholarship Board**, to replace Timothy Mitchell, effective immediately and shall continue until June 30, 2017.

**Mike Wordeman**, Rapid City, was appointed on July 10, 2016, to the **South Dakota Commission on Gaming**, to replace Ralph Kemnitz, effective immediately and shall continue until April 14, 2019.

## **Executive Order:**

The Governor has signed **Executive Order 2016-04** dated July 13, 2016. This order declares a state of emergency to exist due to widespread drought conditions, low humidity, and high temperatures in Butte, Custer, Fall River, Haakon, Harding, Hughes, Jackson, Jones, Lawrence, Meade, Pennington, Perkins, and Stanley counties, excluding the Black Hills Forrest Fire Protection District, in the state of South Dakota. This order authorizes such functions of state government as necessary to provide relief and assistance. The fire hazard incident period shall begin July 15, 2016, and terminate at such time as determined by the Secretaries of Agriculture and Public Safety but shall not last beyond December 31, 2016. A copy of the Executive Order is available from the Secretary of State's office.

Note: A copy of the rules may be obtained directly from the above agencies or at <https://rules.sd.gov>. Write to the agency at the address given under "Notices of Proposed Rules." There is no charge for proposed rules. The following agencies have permission from the Interim Rules Review Committee to charge for adopted rules: the Division of Insurance, the Cosmetology Commission, the State Board of Examiners in Optometry, the State Plumbing Commission, the Board of Nursing, the Department of Social Services, the State Electrical Commission, the South Dakota Board of Pharmacy, the Real Estate Commission, the Gaming Commission, the Department of Revenue and Regulation, and the Department of Labor for Article 47:03.

## **REMINDER OF HEARINGS SCHEDULED**

<b>7-21-2016</b>	<b>Department of Labor and Regulation: State Plumbing Commission</b> Amend rules to exempt Class 1 and above certified water and wastewater operators from the commission's sewer and water licensing requirements and update the Uniform Plumbing Code references to the 2015 edition; 42 SDR 185, June 27, 2016.
<b>8-1-2016</b>	<b>Department of Revenue: Division of Motor Vehicles</b> Amend rules to have the department conduct the inspection and identification functions of the replacement and assigned vehicle identification number (VIN) system, clarify where applicants need to apply for assigned or replacement VINs and that the department will be scheduling and conducting any required inspections, clarify where applicants need to apply for trailer identification numbers and that the department will inspect and attach the trailer identification number to any trailer weighting 3,000 pounds or more, clarify that the secondary VIN location will now be obtained by the department from the National

	Insurance Crime Bureau, clarify that the department is ordering, storing, and maintaining information regarding replacement and assigned VIN plates, change the application requirements for an assigned or replacement VIN plate and how the mutilated or damaged VIN plate is removed from the vehicle and returned to the department, clarify who is assigning the new VIN and attaching that VIN to the vehicle, repeal a rule that is no longer needed, clarify and make consistent the numbering system and application process for trailers, clarify that the department assigns VINs to newly constructed vehicles, and clarify that numbers will be affixed to all vehicles, including rebuilds, in the same manner; 43 SDR 1, July 5, 2016.
<b>8-1-2016</b>	<b>Department of Social Services</b> Amend Economic Assistance, Child Care Services, Medical Services, and Behavioral Health rules to update certain rules to reflect annual changes, update terminology to align with current practice, implement the Child Care and Development Block Grant Act requirements, repeal duplicative rules, and implement Medicaid coverage groups added by the 2016 legislative session. Article 46:05 Substance use disorders is re-written as Article 67:61 under the department. Article 46:20 Mental health is repealed and re written as Article 67:62; 43 SDR 5, July 11, 2016.
<b>8-2-2016</b>	<b>Department of Public Safety</b> Amend rules to update the adoptions of the National Institute of Standards and Technology (NIST), American Society of Testing and Materials (ASTM) and the International Building, Fire, and Mechanical Codes, update and revise references, require the use of certified test weights, allow NIST traceable field test standards for refined fuels and liquid petroleum gas, and repeal repetitive rules; 43 SDR 1, July 5, 2016.

### RULES REVIEW COMMITTEE MEETINGS

The next meeting of the Interim Rules Review Committee will be held on Monday, August 22, 2016, in Room 414, Fourth Floor of the State Capitol. The committee chair has set the following meeting schedule for the 2016 Interim: September 26, and November 14.

**Note:** An updated version of the Administrative Rules Guide to Form and Style is available on the LRC website at <http://www.sdlegislature.gov/Rules/RulesManual.aspx>.